IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16136 of 2004

Between:

1 T. Bapu Reddy, S/o Venkata Ramulu,
2 Abdul Lateef, S/o Abdul Gaffar,
3 N. Narayana, S/o Shivaiah,
4 K.C.H. V. Subbaiah, S/o K. Chennaiah,
5 M. Yellaiah, S/o Mallaiah,
(All are working as Telecom Technical Assistants under the Control of the General Manager, Telecom District,
Medak at Sangareddy).

..... PETITIONERS

AND

1 Union of India, rep. by its Secretary to Department of .

Telecommunication, Doorsanchar Bhawan, New Delhi - 110 001.
2 The Director General, Bharat Sanchar Nigam Ltd, Sanchar Bhawan, . .

New Delhi.
3 The Chief General Manager, BSNL, Andhra Pradesh Circle, Abids,

Hyderabad.
4 The General Manager, Telecom District, BSNL, Medak at . .

Sangareddy.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of mandamus declaring that the petitioners are entitled for grant of relaxed standard in qualifying marks for the examination of Junior Telecom Officers held on 6-5-2000 against 35% quota on the same lines as was granted vide Lr.No. 12-15/2002-DE, dated 10-3-2003 by Bharat Sanchar Nigam Limited Head Quarters, New Delhi in respect of Junior Telecom Officers against 15% quota vacancies in the examination held for promotion to J.T.Os in the years1999 and 2000 with all consequential benefits such as promotion

, seniority arrears of pay and allowances etc and other attendant benefits to the posts of Junior Telecom Officers lying vacant by holding the action of the respondents in not extending the benefit of relaxed standards in the qualifying marks to the petitioners in the 35% quota examination held on 6-5-2000 while extending the said benefit of letter dated 10-3-2003 to those who appeared against 15% quota examinations held in 1999 and 2000 is illegal, arbitrary, discriminatory, violative of Articles 14 and 16 of the Constitution of India.

Counsel for the Petitioner:MR.K.VENKATESWARA RAO

Counsel for the Respondent : P.Sharadha, S.C. for BSNL

The Court made the following :

ORDER:

The petitioners are working as Telecom Technical Assistants. They contend that their next promotion would be the post of Junior Telecom Officers. The post of Telecom Officers are to be filled by three methods as per the recruitment Rules namely 1) 15% quota through competitive examination held for in-service candidates. 2) 35% through departmental screening test by considering in-service candidates and 3) 50% by direct recruitment.

The petitioners contend that they are eligible to be considered for the promotion for the post of Telecom Officers against 35% quota through departmental screening test. The petitioners appeared for the screening test held on 6-5-2000. But, they could not secure the qualifying marks of 40%. The petitioners further contend that in view of several representations made by the Telecom Employees Association/Union for relaxation of the standards for preparation of the results of the examination held in 1999 and 2000. The BSNL issued a circular No. 12-15/2002-DE, dated 10-3-2003 reducing the qualifying standards in respect of the post against 15% quota by reducing mark from 40% to 30% in respect of O.Cs and 30% to 20% in respect of SC and ST candidates as a one time measure to fill up the posts of Junior Telecom Officers.

The grievance of the petitioners is that the relaxation of standard made applicable to the candidates against 15% quota is not extended to the candidate under 35% quota. Thereby, the respondents discriminated the petitioners and other similar by placed persons and it amounts to violation of Article, 14,16 and 21 of the Constitution of India. Therefore, they approached this Court, through this Writ Petition seeking a direction to the respondents to extent the benefit of relaxation given to 15% quota people, to the 35% quota candidates also including the petitioners.

The one time relaxation given by the respondents Corporation is a policy decision. They extended the said benefit to 15% quota candidates, in view of several representations made by the individuals and the unions. The petitioners did not mention in the petition whether they made any representation individually. But, they stated that their union made a representation for extending the benefit. Since the relaxation of the standard of marks in the qualifying examination is a policy decision of the Corporation, it is for the petitioners to make individual representations to the respondents 1 to 3 and it is for the respondents No.1 to 3 to pass appropriate orders, keeping in view the circular dated 10-3-2003, regarding the extension of the benefit of relaxation in the standard prescribed in the examination to the petitioners who come under 35% quota.

The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.Yethirajulu,J.

10th September, 2004.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Union of India, rep. by its Secretary to Department of .

Telecommunication, Doorsanchar Bhawan, New Delhi - 110 001.
2 The Director General, Bharat Sanchar Nigam Ltd, Sanchar Bhawan, . .

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Sangareddy.

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Note:

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THE HONOURABLE Dr.JUSTICE G.YETHIRAJULU

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W.P.No. 16136 OF 2004

10th September, 2004.